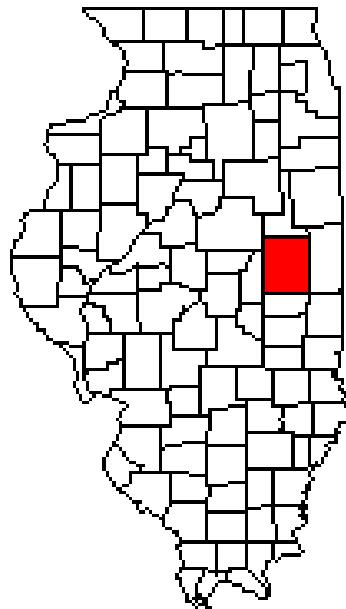


**Champaign County  
Racial Justice Task Force  
Champaign, Illinois**



**Report and Recommendations Developed to  
Reduce Racial Disparities in the Champaign  
County Criminal-Justice System**

**October 2017**

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*The Champaign County Racial Justice Task Force had many contributors, including members of the task force, members of the community, justice system professionals, academics and many more. We'd like to say "Thank you" to everyone who helped us in any way with this process. It couldn't have been done without all the contributors.*

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# **Summary of Recommendations**

The mission of the Champaign County Racial Justice Task Force (RJTF) is to address causes and impacts of racial disparities in the jail population and, more broadly, in the criminal-justice system. This report will provide background, data and information that the RJTF gathered leading to the 31 recommendations to the County Board and other justice system stakeholders to consider in order to address the racial disparity in Champaign County's justice system. The recommendations below include two overarching recommendations that cover the issue more broadly as well as seven subsections that are specific to an area related to the justice system. The information and data that led to these recommendations can be found in the full report. In addition, an eighth subsection of the RJTF, Voices of the Community, gathered information from community members concerning their lives and opportunities in Champaign County. Eighteen of their recommendations related to employment, education and trauma are included in this report (pg. 56).

## **Overarching Recommendations**

1. Establish a Restorative and Criminal Justice Coordinating Council to implement the justice-related steps needed to reduce racial disparity in the county's criminal-justice system, including those identified by the Racial Justice Task Force. As recommended by the Champaign County Community Justice Task Force, this Coordinating Council would also identify and coordinate steps to reduce incarceration in the county and ensure that the criminal-justice system operates cost-effectively.
2. A Community Engagement Oversight Commission should be established to monitor and report on the progress in implementing the Racial Justice Task Force's recommendations. This Commission should also identify and coordinate steps to be taken outside the justice system that can help reduce the racial disparity in the criminal-justice, as well as juvenile-justice, systems.

## **Community Engagement Recommendations**

1. Practice non-media related community engagement.
2. Use a broader mix of communications media in all conversations with the public. This mix should include several print channels, several broadcast or cable channels, and several social media channels. Media used should include those

that reach school-age populations. Combined, these channels should guarantee wider coverage of all demographic groups with regard to age, gender, race, ethnicity, and political outlook.

3. Maintain and invest in the county-wide Racial Justice Task Force Community Justice Data Portal, similar to that maintained by the City of Urbana. Augment quantitative data with qualitative information, such as personal narratives. In addition, increase the scope of both quantitative and qualitative data to include areas such as employment, housing, and education.
4. Invite diverse communities to help develop procedures for annual (or more frequent) assessments of progress toward eliminating racial disparities where they occur in various sectors of the County's criminal-justice system.

## **Police Practices Recommendations**

1. Local law enforcement agencies should increase community collaboration for maintaining public safety.
2. Local law enforcement agencies should substantially increase officer and staff requirements for multicultural awareness and implicit bias training for new hires as well as for current officers. The County Board should also advocate for the University of Illinois Police Training Institute to facilitate this training.
3. The County Board should review the hiring practices of the Champaign County Sheriff's Office and advocate for the implementation of strategies that will increase diversity at all levels. Local law enforcement agencies should implement similar strategies to increase the diversity of their staff and officers. Data related to the diversity of staff and officers should be published annually and be readily accessible to the public.
4. Local law enforcement agencies should investigate and identify how their policies, procedures, and practices, particularly those involving officer discretion, may be contributing to racial disparities at the stop and arrest levels of the criminal-justice system and to take corrective action steps. Several examples of such action steps include expanded alternatives to arrest and the modification of the measures of police performance (David, 2012). African American representatives from the community should participate in this process. The

County Board and local city councils should ensure that local law enforcement agencies meet this obligation.

### **Pretrial Jail Confinement Recommendations**

1. Adopt and implement a court order to expand the issuance of notices to appear at the jail.
2. Utilize validated risk-assessment instruments and well-trained pretrial-services officers to limit the imposition of financial-release conditions as much as the law currently allows.
3. Ensure that the validated risk-assessment instrument used in Champaign County is readily accessible to the public and does not include, to the extent possible, factors whose consideration has a disproportionate adverse impact on African Americans.
4. Follow best practices to ensure that all criminal defendants receive automated reminders before each court appearance.

### **Fees and Costs Recommendations**

1. The Champaign County Board should allocate sufficient funds for the Circuit Clerk's office to enable that office to waive all court fees for persons with incomes below the federal poverty level and to reduce fees for all whose incomes are 101-400% of the poverty level until the state enacts such legislation to do so.
2. County Board members and criminal-justice officials should advocate for passage of the two bills described in the report (HB 2591 and HB 3920 in 2017) that will reduce the impact of court fees on low-income persons convicted of criminal or traffic offenses.
3. A protocol should be established to grant low-income and indigent persons, at the conclusion of a case, a period longer than 180 days (up to five years) for paying court fines and fees without the debt being sent to collection.

4. A protocol should be established to ensure that in every case, the Circuit Clerk's Office and the Public Defender's Office inform defendants of the opportunity to extend the time period for payment of fines and fees and facilitate their applications.
5. County Board members and criminal-justice officials should advocate for passage of state legislation to facilitate reinstatement of a driver's license when inability to pay court fees is the only reason for the delay.
6. The Champaign County Board should investigate, with other local governments and community agencies, processes to assist low income drivers afford automobile insurance.

### **Restorative Justice Recommendations**

1. Develop and implement a comprehensive plan to integrate restorative practices in both the criminal-justice and juvenile-justice systems, as well as in community responses to crime, delinquency, and conflict in Champaign County. Include in this plan a broad range of fully restorative practices at all stages of the criminal-justice and juvenile-justice systems and a restorative community court. A Restorative and Criminal Justice Coordinating Council should oversee the drafting and implementation of this plan and ensure that the plan's implementation is evaluated regularly.
2. Ensure that the "Restorative Justice and Practices Plan" is planned and implemented equitably.

### **Juvenile Justice Recommendations**

1. Reduce black youths' contact and involvement in the juvenile-justice system by beginning with prevention and diversion.
2. Reduce the Juvenile Detention Center population. Reduce use of the Juvenile Detention Center as a holding facility for pre-trial and non-violent youth by increasing the use and capacity of the Youth Assessment Center (YAC) and home confinement as needed.

3. Create a county board resolution to stop detaining youth under age 13 in the Juvenile Detention Center.
4. Systematically expand evidence-based juvenile specific trainings on trauma, Adverse Childhood Experiences Study (ACES), and restorative justice for law enforcement, probation and court service personnel, school administrators, and community members to better equip adults working with youth to rely less on the judicial system.
5. Shift to a community defender office with a holistic representation model focused on social work and restorative justice services along with legal representation which could significantly reduce the school-to-prison pipeline and reduce detention numbers.

## **Housing Recommendations**

1. The Housing Authority of Champaign County should change its eligibility policies to provide fair housing rights to all applicants with criminal conviction records except when U.S. Department of Housing and Urban Development rules require a public housing authority to reject an applicant due to criminal record.
2. The Champaign County Board should urge the Housing Authority of Champaign County to change its policies as described above.
3. The Champaign City Council should repeal Section 17.4-5 of the city code.
4. The Champaign County Board and local law enforcement officials should urge Champaign City Council members to repeal Section 17.4-5 of the city code to help reduce recidivism and racial disparities in the criminal-justice system.

# Introduction

## History & Mission

In late 2012, members of local law enforcement, joined by several County Board members, brought a proposal to the County Board to carry out an extensive jail construction project. The proposal immediately brought protest from the community. In the course of that protest, one organization, then called No More Jails but now known as Build Programs Not Jails (BPNJ), published a racial breakdown of the local jail population. It showed that over 50% of the people in the jail were Black in a county that is 13% Black. This racial disparity became a key focus for those campaigning against jail construction.

This racial disparity was further verified in two documents commissioned by the County Board: a 2013 [report](#) on the criminal-justice system by the Institute for Law and Policy Planning and a report investigating alternatives to incarceration by the all-volunteer Community Justice Task Force (CJTF). Moreover, in its final report of June 2013, the CJTF included among its final [recommendations](#) the appointment of a Racial Justice Task Force to address issues of disproportionate incarceration.

From 2013 to 2015, the County Board did not follow up on the recommendation to create a Racial Justice Task Force. However, members of the public showed continued concern about racial disparity in the justice system, presenting [updated](#) racial breakdowns of the jail population at County Board meetings. In these census exercises, the Black population in the jail varied from 53% to 71%.

In 2015, in the wake of a number of high profile police killings of Black people across the country and the founding of Black Lives Matter, the issue of forming the task force re-surfaced. The debate came to a head at a packed County Board meeting on Oct. 22, 2015. With local Black Lives Matter activists and their allies chanting slogans from the audience and many Board members growing increasingly uneasy during more than two hours of debate, the Board passed a measure to establish the task force by a vote of 15-5.

The Board agreed to establish a task force that “shall be appointed by the chair of the Champaign County Board and will report its findings, including a list of recommended actions to address issues of racial disparity, to the Champaign County Board within a time frame and format to be agreed upon by the County Board.” The board rejected a more detailed version (supported by several board members, Black Lives Matter and

BPNJ) which called for prioritizing the inclusion of individuals who have been critically impacted by the criminal-justice system, detailed the specific issues the Task Force should address and recommended the involvement of city council members.

In October 2015, the County Board established the Champaign County Racial Justice Task Force (RJTF) which is made up of volunteers from the community appointed by the County Board. The RJTF mission “seeks to address causes and impact of racial disparities in the jail population and in the criminal-justice system more broadly. It will report findings and a list of recommendations to the County Board and community.” This report is the culmination of that charge.

## **Process**

The 21-member Racial Justice Task Force (RJTF) first convened Feb. 11, 2016. RJTF used its initial meetings to define the scope of its interests, hear comments and recommendations from the public, and view invited presentations from agencies and organizations involved in the criminal-justice system and with issues related to racial justice. To gather further community input, RJTF in June 2016 conducted two public listening sessions (co-sponsored by NAACP, National Council of African American Men, and ACLU) during which approximately 75 participants related their views of and experiences with local law enforcement and the court system. The questions posed during these listening sessions and a summary of the feedback obtained during them can be found in Appendix A.

Using information from these and other sources, RJTF in July 2016 identified six areas in which members believed further research and action would yield feasible and productive recommendations for actions the Board might take to begin to eliminate racial disparity in the local criminal-justice system. The group created subcommittees and working groups to address the following six areas and charged them with developing action recommendations for the Board and other community institutions.

**Community Engagement** – focused on how to develop productive community engagement by involving all segments of the community, particularly those most impacted by racial disparities and those who work in the criminal-justice system. An effective and ongoing engagement process can create a more aware and cohesive community, one that will foster a better quality of life for all the county’s residents. This group has begun developing a database that brings access and transparency to collecting and analyzing data about all aspects of the criminal-justice system.

**Police Practices** – Police are the entry point into the criminal-justice system. This group focused on looking at current police practices in an attempt to identify practices that have a disparate impact on the African-American population and other minority groups in Champaign County. To that end they sought input from the community and from local police agencies, including the Police Training Institute. They also looked at community policing practices and how community policing could impact Champaign County if adopted.

**Legal Process** – focused on the issues of financially based pretrial detention decisions, lack of a pretrial risk assessment, and excessive costs and fees imposed by the court, all of which result in significant racial disparity in the justice system in Champaign County.

**Restorative Justice and Practices** – focused on how to fully integrate restorative justice and practices into the criminal-justice and juvenile-justice systems and community responses to crime and delinquency in order to reduce racial disparities in Champaign County.

**Juvenile Justice** – focused on how to reduce racial disparities in the Champaign County juvenile-justice system by reducing arrests, increasing diversion opportunities and eliminating unnecessary use of confinement for youth of color ages 10-18.

**Structural issues related to housing, employment and education** – focused on securing feedback on some of the issues faced by minorities in Champaign County that, although not directly part of the criminal-justice system, have a significant impact on people's resources and access to services that could keep them from entering the system in the first place. Discrimination in housing, education, employment, and access to services and the trauma that can result from these experiences impacts the community as a whole. At this point, the Task Force is tendering some recommendations bearing on the subject of housing. The outreach to community members for feedback also yielded ideas that can be considered when the interface between education, employment, and racial disparity in the criminal-justice system are explored in work that follows the tendering of this report.

The RJTF subcommittees used a variety of information sources and data-gathering methods to develop and support the recommendations they would eventually propose to the County Board. These included county and municipal records, city and county websites, U.S. Census and Department of Justice reports, a survey of local law enforcement officials, interviews with officers of the court and input from other community members. The Task Force also sent letters soliciting ideas about steps that

can be taken to reduce the racial disparity in the criminal-justice system to a range of court and criminal-justice officials, the Champaign County Bar Association, the Champaign County Criminal Defense Lawyers' Association, and First Followers, a local nonprofit organization that works with people released from prison. The subcommittee exploring relationships among housing, employment, education and criminal justice completed more than 50 interviews highlighting community members' experiences, some of their recommendations are included in the Voices in the Community section. The Community Engagement Subcommittee called on the expertise of graduate-level classes in urban planning and statistics to help design and refine a prototype of a web-based criminal-justice data portal; a graduate student intern coordinated website development after the classes concluded. Subsequent sections of this report offer a more complete and detailed accounting of each subcommittee's data-gathering methods.

Through July 2017 the RJTF continued to solicit public comment and presentations of interest to the group's general mission while the subcommittees worked to draft their portions of the RJTF final report. RJTF included subcommittee progress reports in the agenda for each of its bi-weekly meetings and facilitated information sharing among the various subcommittees. Subcommittees posted their draft reports on an open Google drive in early summer 2017. After reviewing and revising each draft as needed, RJTF approved near-final versions of each subcommittee report on Aug. 31 and Sept. 14, 2017. An ad hoc working group reconciled format and language differences among the draft reports and produced the final report for approval on Oct. 26, 2017.

## **Key Definitions**

**Racial Disparity in the Criminal-Justice System-** Because the Racial Justice Task Force was charged with examining the "racial disparity" in the County's criminal-justice system, it is important to understand how we construed the meaning of this term. Racial disparity refers to the over-representation of people of color in the criminal-justice system compared to their overall proportion of the Champaign County population. In Champaign County, there is an overrepresentation of Black citizens involved in the justice system (e.g., 50%+ black people in the county jail vs. 13% of the overall population).

**Racism-** A system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity. It identifies dimensions of our history and culture that have allowed privileges associated with "whiteness" and disadvantages associated with "color" to

endure and adapt over time. Structural racism is not something that a few people or institutions choose to practice. Instead it has been a feature of the social, economic and political systems in which we all exist.

**Biases- Implicit bias** describes automatic associations that people make between groups of people and stereotypes about those groups that can result in a negative influence of behavior or prejudice (National Initiative For Building Community Trust and Justice). This is defined by the Ohio State University Kirwin Institute for the Study of Race & Ethnicity as the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Residing deep in the subconscious, these biases are different from known biases that individuals may choose to conceal for the purposes of social and/or political correctness.

**Explicit bias** is when individuals are aware of their prejudices and attitudes towards certain groups and act accordingly. Positive or negative preferences for a particular group are conscious and overt racism and racist behavior and are examples of explicit bias (U.S. Department of Justice Community Relations Services Toolkit for Policing: Understanding Bias).

**Beyond the Criminal-Justice System-** Racism and racial disparities extend beyond the criminal-justice system. Policies, practices, attitudes and societal norms in all systems, including education, housing, government, and the private sector, have perpetuated conditions of inequity throughout most communities of color. The RJTF could not address all of these areas, but it is important to note that the interconnectedness of all systems plays a role in the racial disparities in Champaign County.

## **Overarching Recommendations**

The work of the Racial Justice Task Force over the past year and a half has resulted in **31 recommendations** covering a wide gamut of areas: data collection; community outreach and engagement; police practices; validated pretrial risk assessment and pretrial services; the costs and fees in the criminal-justice system; restorative practices and restorative justice; the juvenile-justice system; housing; and many others. The Task Force believes each recommended step can play an integral role in realizing the aim of eradicating the racial disparity that plagues our county's criminal-justice

system. It is important to underscore, though, that, for three reasons, these recommendations are just the beginning, not the end, of what must be done to realize this aim.

First, a number of disparity-related questions involving the justice system remain to be analyzed, such as the extent to which there is racial disparity in prosecution-related and sentencing decisions and what accounts for any disparity.

Second, if the Task Force's justice-related recommendations are not implemented or are ineptly implemented, there will be little progress in curbing the racial disparity in the criminal-justice system in the county and the rampant distrust of that system harbored by so many people of color in our county.

Third, even if all the Racial Justice Task Force's justice-related recommendations are implemented, and implemented well, the racial disparity in the criminal-justice system will persist, though at a lower level. And that is because there are myriad steps that can and need to be taken outside the justice system to address issues and problems that contribute to this racial disparity. As noted earlier, the Task Force developed recommendations bearing on only one of these non-justice-related areas – housing – and obtained some feedback from some community members about two others – education and employment. There is a pressing need for an ongoing community-wide dialogue about, and further exploration of, what needs to be done outside the justice system to remedy the racial disparity within it.

Due to the work that remains, the Racial Justice Task Force considers it imperative to highlight two recommendations mentioned in the body of its report. We have termed these recommendations “overarching recommendations” due to the reality that without a structure to implement the recommendations in this report and other subsequently identified action steps, the critically needed and unifying changes that can occur in this county will continue to elude us.

- **Overarching Recommendation #1: Establish a Restorative and Criminal Justice Coordinating Council to implement the justice-related steps needed to reduce racial disparity in the county’s criminal-justice system, including those identified by the Racial Justice Task Force. As recommended by the Champaign County Community Justice Task Force, this Coordinating Council would also identify and coordinate steps to reduce incarceration in the county and ensure that the criminal-justice system operates cost-effectively.** The section of the Community Justice Task Force’s report explaining

the need for, and functioning of, this Coordinating Council can be found in Appendix B of this report.

- **Overarching Recommendation #2: A Community Engagement Oversight Commission should be established to monitor and report on the progress in implementing the Racial Justice Task Force's recommendations. This Commission should also identify and coordinate steps to be taken outside the justice system that can help reduce the racial disparity in the criminal-justice, as well as juvenile-justice, systems.** Section I of this report further amplifies the role this Commission can play in fostering the community engagement needed to eliminate racial disparity in the criminal-justice system. It bears emphasizing that every individual and entity in this county can play a role in this endeavor. If we each participate and rise to this challenge, this Racial Justice Task Force strongly believes that we can and will succeed in making racial disparity in the criminal-justice system an artifact of the past.

# **COMMUNITY ENGAGEMENT**

## **Priority Step: Developing a Community Engagement Plan for Informing Constituents about Racial Disparity and Engaging Them in Efforts to Reduce Racial Disparity in the Champaign County Criminal-Justice System**

The racial disparity observed in Champaign County's criminal-justice system and in other interlocking community agencies and institutions result from race-based discrimination inherent in a system of customs, procedures, rules and routines whose disparate impacts may not be apparent to many members of the community (see also NAACP, 2017a, 2017b; American Civil Liberties Union, 2014; Cook, 2014). Ameliorating these disparities will require the work of all the community; any lasting solution will require that all segments of the community engage with the problem and with one another. As the highest governing body representing all parts of the county, the Champaign County Board has a unique obligation and opportunity to take a leading role in producing and maintaining outcome-based solutions that eliminate racial disparities in the Champaign County criminal-justice system and the community at large (Warner, 1999). Intentional racial equity-based approaches to community engagement are proven methods for creating long-lasting change.

### **Community Engagement Practices**

In a general sense, community engagement aims to create relationships and foster processes for identifying community issues and problems, setting goals, creating solutions and setting benchmarks against which community members can measure their progress over time. The first step in this process is identifying all groups which have an interest in the welfare of the community and developing strategies for integrating them at every level of the decision-making process (Berman & Anderson, 2010). Community engagement recognizes that simply asking institutions to reform themselves without consulting members of the community they serve rarely produce meaningful improvements (Marquary-Pyatt & Petzelka, 2008; Ashwood et al., 2014).

The Racial Justice Task Force believes productive efforts to eliminate racial disparities in the county's criminal-justice system cannot involve just the subjects of the disparities — those arrested, accused, jailed pretrial, or serving sentences; nor can it involve just the institutions — law enforcement, jails and the courts — whose practices, policies and procedures give rise to racial disparity. To be successful over the long term, engagement efforts must also include those who might be indifferent to or consider themselves bystanders to the system's actions: the rest of the community, whose members may not feel directly involved in the criminal-justice system but whose everyday lives, opportunities, security, privacy and communities — and confidence in

the system's processes and institutions — are nonetheless distorted or diminished by the system's unjustly disparate outcomes.

Productive community engagement must involve all segments of the community, and it is particularly important to have the participation of the African American community and other communities of color who are also particularly vulnerable to the criminal-justice system. An effective and ongoing engagement process can make a more just and resilient community, one that will create a better quality of life for all the county's residents.

### **Using Media to Foster Community Engagement**

The Champaign County Board shapes how constituents come to understand and respond to community issues including the impact of racial disparity in the criminal-justice system. Crafting specific goals and guiding principles related to community engagement should be a priority. For example, the Cook County State's Attorney Office's (2017) community engagement priorities include "developing strategies for engagement with community" and "increasing communication channels" as central to its mission. In addition, building the frames through which these messages are better understood is an imperative. Similarly, if the Champaign County Board hopes to inform the community of facts regarding racial disparities in our criminal-justice system or to inform the community of important initiatives being undertaken to reduce these disparities, it must make more effective use of mass media, particularly those most likely to influence the thoughts and actions of the residents of the county.

The Champaign County Board must consider the following when communicating via the media about racial disparity in the criminal-justice system: 1) the appropriate use of media and media outlets, and 2) how to frame media messages that resist racial stereotypes and misinformation about criminality among African Americans and other communities of color.

1. *Using the media and multiple media outlets.* Traditional and digital media can reach diverse audiences and foster community engagement. The Champaign County Board currently uses media and media outlets that reach a small segment of the county's population: mostly white, middle-income, college-educated men and women (Mitchell, 2016; Pew Research Center, 2016a, 2016b, 2016c). For example, the board typically drafts and circulates a press release submitted to local media outlets such as *The News Gazette*, the *Daily Illini*, WCIA, and other television outlets for public broadcast. The release also is posted on the official Champaign County website. Such messages reach constituents with access to print, television, and the internet, but not other segments of the general public. Social media have the potential to reach diverse populations, but they remain

underused by the Champaign County Board (Fox & Rose, 2014). Furthermore, community engagement through forms other than media (e.g. community forums, surveys, outreach events) can reach a broader range of residents across demographics.

*2. Framing.* Framing is a powerful communication tool that informs what and how audiences think about a particular issue. The Champaign County Board needs to develop a strategic plan to communicate about racial disparity in the criminal-justice system. This includes 1) how to counter racial stereotypes and misinformation including the notion that African Americans commit more crimes than Whites; 2) how to challenge the over-representation of African Americans and other communities of color as “perpetrators” of crime compared to Whites who are routinely depicted as “victims” in the media; and 3) how to understand and respond to policing, jail, and court practices, policies, and procedures that contribute to disproportionate arrest and pretrial detention rates for African Americans and to the disparate impacts of the system of court-related fees and fines (see Dixon, 2017; Omoni, 2017; Alexander, 2012; Lee, 2012; Bjornstrom et al., 2010; Dixon, Azocar, & Casas, 2003; Dixon & Linz, 2000a; 2000b). Notably, the Champaign County Board has taken some measures to draw attention to racial disparity in the criminal-justice system via meeting minutes and public announcements regarding the formation of the Racial Justice Task Force. These efforts alone fail to educate constituents about racial disparity -- what it is and how it impacts diverse communities -- and thus fail to empower the county as a whole to take action to address this problem. Overall, the Champaign County Board needs to be intentional about providing context and alternative narratives that inform and educate residents about racial disparity in the criminal-justice system and related community issues.

### **Maintaining and Expanding the Racial Justice Task Force Racial Disparity Database**

As noted above, racial disparity in the criminal-justice system is the product of institutional practices, policies, and procedures that, taken together, limit the life outcomes of non-white community members. Racial disparity occurs when the proportion of one racial group in the system significantly exceeds its proportion in the general population — as when, for example, African Americans constitute roughly 13% of the total population in Champaign County yet make up more than 65% of all inmates in the county jail. Racial disparity also occurs when there is dissimilar treatment between racial groups with drastically different outcomes: African Americans in Champaign County arrested for unlawful weapons possession spend, on average, 35 days in jail compared to 21 days for Whites arrested for similar charges (Champaign County Racial Justice Task Force, 2017). This routinely results in a loss of income and

employment thereby contributing to higher rates of joblessness among African Americans. Statistics at the community and national levels increasingly show the cumulative impact of racial disparity through each decision point in the criminal-justice system. Champaign County, however, has yet to act on such data or make this information readily available and easily accessible to the general public as well as to boards and commissions that work for and report to the County Board.

To better understand and respond to racial disparity in the criminal-justice system, the RJTF Community Engagement Subcommittee developed a prototype for a digital database with the assistance of Dr. Beverly Wilson (University of Illinois), Yuyan Huang (UIUC Graduate Student in Urban Planning), researchers from STAT 427: Statistical Consulting (Jack Yutong Li, Zeyu Zhang, and Haoxian Zhong) and the UIUC student organization Statistics in the Community (Hongfei Li, Huanhuan Yue, and Jingyi Zeng). The database is tentatively regarded as the RJTF Community Justice Data Portal. The overall vision for this web-based application is to foster community dialogue and collective action to eliminate racial disparity in the Champaign County criminal-justice system. Aggregating data from police reports, court orders, and jail records with personal narratives, interviews, and surveys completed by people in communities of color and others vulnerable to over-representation in the criminal-justice system, this database continues and extends an intellectual and activist tradition of using “big data” to intervene in contemporary social justice issues.

During the spring of 2017, the RJTF hosted a database workshop at the U of I campus to provide a preview of the web-application and the raw data previously collected in the county. Several community stakeholders including Circuit Clerk Katie M. Blakeman, Dr. Stuart Levy (U of I professor in National Center for Supercomputing Applications), and members of various grassroots organizations including Build Programs Not Jails attended this well-received community event. Multiple participants remarked on the potential usefulness of such a database; most promising, Circuit Clerk Katie M. Blakeman supported continued development of the digital site.

The subcommittee’s efforts to assemble the data required to conduct a full analysis of racial disparities revealed the lack of compatibility of local data taken from various independent sources. Far more cooperation is necessary between local government agencies in the development and archiving of data so that it may be readily combined and analyzed.

## **Community Engagement Recommendations**

Based on the preceding discussion, we offer the following specific recommendations:

- 1. Practice non-media related community engagement.**

- a. Host County Board meetings and other community events in various locations throughout Champaign County to increase the diversity of public participation.
  - b. Attend community events to become better acquainted with constituents, especially those from underrepresented and underserved communities such as African Americans and Latinos.
- 2. Use a broader mix of communications media in all conversations with the public. This mix should include several print channels, several broadcast or cable channels, and several social media channels. Media used should include those that reach school-age populations. Combined, these channels should guarantee wider coverage of all demographic groups with regard to age, gender, race, ethnicity, and political outlook.**
  - a. Develop and maintain a social media presence on various platforms including Facebook, Twitter, and so on where constituents can “weigh in” on county-related topics.
  - b. Frequently and regularly update these social media channels. Ensure that they are sufficiently engaging to adequately communicate about racial disparity in the criminal-justice system.
  - c. Craft a media campaign that addresses racial disparity in the criminal-justice system and efforts to reduce racial disparity in the county (i.e. public service announcements and advertising via radio, television, print, and web-based platforms).
  - d. Create closer relations with the editors of traditional media channels, both print and broadcast. Use these relationships to better explain the contexts through which later messages from the county may be best understood.
  - e. Rebuild the current county website to make it more accessible and user-friendly. Include live-streaming and/or an archive of video-recorded County Board meetings (as has been initiated by the County Clerk at [https://www.champaigncountyclerk.com/county\\_board/meetings/2017\\_meetings/index.php](https://www.champaigncountyclerk.com/county_board/meetings/2017_meetings/index.php)).
- 3. Maintain and invest in the county-wide Racial Justice Task Force Community Justice Data Portal similar to that maintained by the City of Urbana. Augment quantitative data with qualitative information, such as personal narratives. In addition, increase the scope of both quantitative and qualitative data to include areas such as employment, housing, and education.**

- a. Appoint a Director of Research to continue database development and analysis.
- b. Appoint or assign personnel to assist the Director of Research in the areas of statistical analysis, ethnography, and website design and maintenance.
- c. Appoint a Community Engagement Oversight Commission tasked to monitor the implementation of these recommendations; specifically, the setting of benchmarks and the periodic assessment of progress in the reduction of racial disparity. In addition, this commission would monitor the hiring/appointment of a Director of Research, the ongoing development of the data portal, and all community engagement efforts to facilitate use of the data portal. Quarterly reports concerning these matters are to be given to the county board, the media, and the community at large.
- d. Develop training sessions that teach community stakeholders how to effectively use the database.
- e. Cooperate with other local governments and agencies to collect and archive compatible data pertaining to racial disparity so that data may be readily combined, analyzed, and shared.

**4. Invite diverse communities to help develop procedures for annual (or more frequent) assessment of progress toward eliminating racial disparities where they occur in various sectors of the County's criminal-justice system.**

- a. Set measurable goals and benchmarks to assess progress using publicly available data collected via the portal.
- b. Create a monitoring mechanism so that any reductions or increases in racial disparities can be measured at regular intervals.
- c. Collect and report data on race and ethnicity at every point in the criminal-justice system to allow a systematic assessment of any disproportionate impacts on minority populations. Broadly disseminate periodic progress reports and analyses to the community.
- d. Periodically and publicly reassess benchmarks and goals, and reset these as appropriate.

## **POLICE PRACTICES**

**Priority Step: Reduce the entry of African Americans into the criminal-justice system at the law-enforcement stage through community collaboration, changes in hiring practices, enhanced training of law-enforcement administrators and line staff, and development of an action plan to halt police practices that contribute to racial disparity in stops and arrests.**

Police contact is a critical entry point into the criminal-justice system. Law enforcement agencies across the United States are currently under scrutiny for their significant contribution to racial disparity in that system. Concerns include increased traffic stops of African Americans, hot-spot policing of predominantly low-income black neighborhoods, and high-profile killings of several African Americans by law-enforcement officials. Consequently, numerous federal and state agencies as well as law enforcement agencies are reviewing police practices with an emphasis on de-escalation, racial justice training, and community engagement in an effort to reduce racial disparities, to ensure that the police comply with the law, and to gain public confidence in law enforcement.

Locally, efforts to address racial disparities facilitated by discriminatory police practices have been met with resistance. We hear that “Champaign County is not Chicago” despite evidence to the contrary. Several examples highlight substantial problems with current policing practices in Champaign County: the fatal shooting of Kiwane Carrington; the death of Richard “Richie” Turner, a homeless man with a history of mental illness; the firing and re-hiring of Officer Matt Rush against whom numerous civilian complaints and lawsuits had been filed for police misconduct; and most recently an Illinois Department of Transportation (IDOT) traffic stop study that found that police are four times more likely to stop African Americans than Whites along the same stretch of roads in Urbana (City of Urbana, 2015).

In the fall of 2016, the RJTF hosted two community events to better understand racial disparity in the criminal-justice system. Participants cited policing practices as primary contributors to the problem. Chief among their concerns were the high rates of traffic stops among African Americans resulting in additional charges for other violations, traffic fines that many community members had little or no ability to pay, suspended licenses, and arrests as a result of driving without car insurance and/or on a suspended license. Participants also were concerned about police misconduct and disciplinary procedures for officers who violate the law. Based on those conversations and the national dialogue surrounding law enforcement, the Police Practices Subcommittee was

established and tasked with investigating areas of racial disparity across several Champaign County law enforcement agencies.

### **Understanding Local Law Enforcement Agencies**

During the winter of 2016, the Police Practices Subcommittee of the RJTF reviewed studies, scholarly articles, and reports about police practices. Then it compiled an extensive list of questions about specific police practices, policies, and procedures that were submitted, in the spring of 2017, to five local law enforcement agencies:

- City of Champaign
- City of Urbana
- University of Illinois (UIUC)
- Village of Rantoul
- Champaign County Sheriff's Office

The agencies met to discuss the questionnaire and how best to respond to these inquiries. Many responses to the questionnaire were nearly identical among four of the five agencies. The Champaign Police Department (CPD) requested a sit-down meeting between Chief Anthony Cobb, three CPD deputy chiefs, and members of the subcommittee rather than provide written answers.

The questionnaire was split into three sections: police situational responses, human resources, and community relations. There were also two questions regarding the racial disparities in the local criminal-justice systems and what can be done to solve that challenge. Every department responded to the questions. The departments noted that many of the responses would be similar or identical to other departments' responses because they reviewed their responses with each other. The questionnaire and responses can be found in Appendix C.

The task force learned that nearly every interaction between the police and citizens is documented in some form. This includes emergency calls and their resolution. Moreover, this documentation is reviewed by an officer's superior. Officers are notified by the State's Attorney's office if charges are going to be filed in response to a given police report. In response to a question about a system for the public to view police reports, every agency responded that these reports were subject to Freedom of Information laws. However, no agency provided information regarding easy-to-use tools to view police reports or other data.

One critical decision that typically falls within a police officer's discretion is whether to issue a citation or make an arrest. Members of the community expressed concern about the way such discretion is exercised, and this led to a question included on the questionnaire about policy and decision making around citations versus arrests. Both the Sheriff's Department and Rantoul attached their departments' policies as responses. The City of Champaign and Urbana both explained that the goal of this discretion is for voluntary compliance with the law in the future by the citizen. The officer(s) should make an arrest if they do not believe there will be such compliance or if the individual poses a harm to themselves or others. This assessment and exercise of discretion by police officers can, as research has shown, be tainted by implicit and explicit bias, leading to disparate impacts on minorities.

### **Acknowledging Racial Disparities in the Criminal-Justice System**

The subcommittee also asked a question that the larger task force had developed and previously asked of other stakeholders in the criminal-justice system.

*Are there any steps that can be taken within our justice system in Champaign County to reduce the racial disparity in it? If so, what are they?*

Every department focused on the complexity of the issue of racial disparities; moreover, each one highlighted the need for the community to address this issue. No department explicitly stated that it plays a role in the racial disparity problem or its remediation. The Champaign Police Department, after a long discussion on the topic, acknowledged that the discretion their officers are given could result in disparities. The Village of Rantoul and the Sheriff's department both responded that racial disparity in the criminal-justice system was a community issue, thus dismissing responsibility on their part. While this task force has continually recognized that the challenge of eliminating racial disparities in the criminal-justice system is complex and involves many stakeholders within the community including community members themselves, the very purpose of the Police Practices Subcommittee was to investigate the police departments' roles in this effort. This task force believes that every law enforcement agency should intentionally consider what role it plays in creating racial disparities and how to reduce those disparities.

### **Police Officer Demographics**

Each department submitted the racial and gender demographics of officers and some staff. Additionally, the subcommittee asked about residency requirements. Implementing residency requirements was recommended by different members of the community to

improve police community relations. Discussions with the Champaign Police Department highlighted that residency requirements are very difficult to pass through contract negotiations.

Below are the departments' responses regarding demographics. There were inconsistencies in the reporting methods, but the totals are grouped in the same table for ease of reference. It is clear that the racial makeups of the police departments do not match those of Champaign County. Only 6% of the police officers or other staff are African American.

|                   | <b>Urbana</b> | <b>Rantoul</b> | <b>UIUC</b> | <b>Champaign County Sheriff</b> | <b>Champaign</b> |
|-------------------|---------------|----------------|-------------|---------------------------------|------------------|
| White             | 49            | 27             | 49          | 53                              | 127              |
| African American  | 3             | 1              | 4           | 2                               | 10               |
| Hispanic/Latino/a | 2             | 1              | 3           | 0                               | 3                |
| Asian             | 0             | 0              | 4           | n/a                             | n/a              |
| Other non-white   | n/a           | n/a            | n/a         | n/a                             | 3                |

|        |    |    |    |    |     |
|--------|----|----|----|----|-----|
| Male   | 48 | 27 | 47 | 50 | 116 |
| Female | 7  | 2  | 13 | 5  | 27  |

|                      |                |                 |                |                       |           |
|----------------------|----------------|-----------------|----------------|-----------------------|-----------|
| Total                | 55             | 29              | 60             | 55                    | 143       |
| Reported Designation | Sworn Officers | Police Officers | Sworn Officers | Sworn Law Enforcement | Employees |

The above table shows the demographic data as shared by the agencies. The question asked was: "*What are the demographics of your police officers? What are the demographics? What are the demographics of your non-officer staff?*"

### **Analysis of Arrest Data**

Data of all arrests from 2010-2014 were requested from the same five police agencies in fall 2016 as part of the University of Illinois (U of I) Urban Planning class collaboration discussed earlier in this report. A Freedom of Information Act request was only required in one instance, and that was necessary as a formality. The arrest data were processed and analyzed by the U of I students. The students faced significant challenges in processing, coding, and synthesizing the data sets with data from the courts and county jail. However, they created a prototype online dashboard showing aggregate data with visualization tools which can be used for future data collection and publication. This

dashboard can spur much-needed transparency in the criminal-justice system in Champaign County.

An additional statistical analysis performed by students in a U of I Statistics course (STAT 427, 2017) confirmed the presence of substantial racial disparities in the criminal- justice system. They found that African Americans in Champaign County (based on the arrests dataset mentioned previously) are four times as likely to be arrested as Whites. This result applies to most of the 35 crime categories analyzed; for each given crime category, race was found to be a significant indicator of arrest. In short, the disparity in arrests spans a broad spectrum of crimes.

### **Police Training Institute**

In order to better understand how police officers are trained, the Police Practices Subcommittee met with Dr. Michael Schlosser, Director of the University of Illinois Police Training Institute (PTI). Since its creation in 1955, the PTI has educated and trained law enforcement and correctional officers and firearms users and trainers. One of six police academies in the state, PTI offers a basic program for entry-level personnel and ongoing continuing education and specialized classes for career advancement. Newly-hired officers from more than 500 agencies in the state have attended the 160-hour program. After completion, graduates return to their agencies for field officer training, which can take up to eighteen months, followed by a probationary period. The curriculum will soon be extended from twelve to fourteen weeks. The additional training will include mental health topics, implicit bias, and officer wellness. A ten-hour class is already offered in “Policing in a Multi-Racial Society,” but this course is only an elective under the U of I PTI’s curriculum. (A number of local agencies require their officers to take this course.) PTI training emphasizes non-escalation and de-escalation of situations using a five-step process. The importance of community policing is stressed as a means of building trust, assisting in identifying issues, and working together to address them. Dr. Schlosser also spoke about previous research collaborations with community and campus groups. Collaborations such as these and direct involvement in some of the training by community members have been highlighted by various community members as valuable aspects of the PTI.

### **Police Practices Recommendations**

The Racial Justice Task Force therefore recommends taking the following steps to reduce the racial disparity in the local criminal-justice system:

**1. Local law enforcement agencies should increase community collaboration for maintaining public safety.**

Many community members who attended the Racial Justice Task Force forums spoke about the need for more community outreach by local law enforcement agencies. As stated by the President's Task Force on 21<sup>st</sup> Century Policing (2015), "Law enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community." Law enforcement agencies in Champaign County must listen closely to and adequately respond to community members' concerns and questions. This should be done through community forums and other communications channels in order to receive input from a range of community voices regarding police practices (e.g. training procedures, community outreach efforts, and specific policies).

The central idea of community policing programs is based on police and community members collaborating to solve community problems that directly or indirectly lead to crime or that jeopardize community members' safety. Community members are recognized as those who can best identify problems affecting their community. The patrol/neighborhood officer's focus continues to be providing police services, including crime fighting, while the officer and the community partner in the creation of solutions to community problems. See Appendix D for background information about community policing. It is important to note that the specific components and processes of community policing in Champaign County will need to be established and agreed upon, as these can take on different appearances and can have varying impacts. (However, in community policing, an agreed-upon change that results in seemingly minimal impact is still a sign of success since the opportunity for additional positive results in other processes is created.)

This outreach should also include an increase in direct community involvement. Agencies should consider ways to encourage or incentivize officers to volunteer and/or be active in the communities they serve, particularly in ways that nurture positive connections and relationships with African Americans. Making such community involvement a measurable element of the criteria for officer promotion and advancement is an example of a step to take, one that a local police department is already considering.

**2. Local law enforcement agencies should substantially increase officer and staff requirements for multicultural awareness and implicit bias training for new hires as well as for current officers. The County Board should also advocate for the University of Illinois Police Training Institute to facilitate this training.**

Officers at all levels should receive regular, on-going training in diversity, implicit bias, cultural competency, fear response (noted by the City of Oakland, CA Deputy Police Chief in Covington, 2015), and mental health intervention. These training areas should become full components of the required training curriculum for the U of I Police Training Institute. Moreover, officers should be given opportunities for regular discussion within their agency and with community members about the training and its impact on practices. This recommendation will help to build the public's trust in law enforcement while improving community relations as law enforcement officials become more comfortable with, and gain a better understanding of, the communities they serve (Kent, 2015).

**3. The County Board should review the hiring practices of the Champaign County Sheriff's Office and advocate for the implementation of strategies that will increase diversity at all levels. Local law enforcement agencies should implement similar strategies to increase the diversity of their staff and officers, and data on the diversity of staff and officers should be published annually and be readily accessible to the public.**

The recommendations on hiring practices track a recommendation of the President's Task Force on 21<sup>st</sup> Century Policing. The task force's report states: "Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities." Local law enforcement agencies should require new hires to be trained in all areas listed in recommendation 2. Additionally, local law enforcement agencies should whenever possible encourage officers to live and volunteer in the specific community in which they serve.

**4. Local law enforcement agencies should investigate and identify how their policies, procedures, and practices, particularly those involving officer discretion, may be contributing to racial disparities at the stop and arrest levels of the criminal-justice system and to take corrective action steps. Several examples of such action steps include expanded alternatives to arrest and the modification of the measures of police performance (David, 2012). African American representatives from the community should participate in this process. The County Board and local city councils should ensure that local law enforcement agencies meet this obligation.**

All of the law enforcement agencies surveyed by this task force sidestepped the question regarding what can be done to reduce racial disparities in the local criminal-

justice system. It is critical for these agencies, the primary gateway to the criminal-justice system, to investigate and acknowledge their role in increasing racial disparities and to develop targeted action steps to reduce their influence on racial disparities. Moreover, given the Champaign County Board's interest in reducing the disparities in the County jail population and overall criminal-justice system, the Board must work with other local governments to spur law enforcement agencies to reduce disparities at the point of entry into the criminal-justice system. This process should include the increased data collection and analysis efforts recommended by the Urbana Traffic Stop Data Task Force and noted in the Community Engagement section of this report.

# **PRETRIAL JAIL CONFINEMENT**

## **Priority Step: Limit and Avoid the Imposition of Financial-Release Conditions**

### **Significant Racial Disparity in Champaign County's Jail Population**

A study of Champaign County's criminal-justice system by the Institute for Law and Policy Planning (2013) found significant racial disparity in the county's jail population. Its profile analysis, which is a "snapshot" of the jail population on a specified day, revealed that 64% of the people confined in the jail were African American. Another way of examining a jail's population, known as a tracking analysis, found that 57% of the people released from the jail during a one-year period ending in December 2012 were African American. This racial disparity in the jail population persists today. For example, on December 5, 2016, 71% of the people confined in the jail were African Americans (Champaign County Racial Justice Task Force, 2017). By contrast, 13% of Champaign County's population is African American (U.S. Census Bureau, 2015).

### **Disparate Impact of Financial-Release Conditions on African Americans**

Most of the people in the Champaign County jail have not been convicted of the crime for which they were arrested (ILPP, 2013). They are simply awaiting a decision as to whether a criminal charge will be filed, dismissed, or otherwise resolved. ILPP reported that the racial disparity in such pretrial confinement is even greater – 12% higher – than the substantial racial disparity in the county's overall jail population.

"D-bonds" are the primary means of securing pretrial release from jail in Champaign County. D-bonds require a person to pay 10% of the bail amount set by a judge in order to be freed from jail. Thus, a person must pay \$2,000 of a \$20,000 bail amount for his or her freedom while a criminal case is processed.

Champaign County does not yet collect or report data, broken down by race, on the number and percent of people confined in the county jail due to inability to post bond of varying amounts. But it is evident from research in other jurisdictions that cash bail leads to individuals being incarcerated pretrial simply because they lack the financial resources to post bail. For example, in 2013, more than half of those incarcerated pretrial in New York City's jails could not afford to pay \$2500 or less in bail, and 30% of those arrested for felonies and 46% of those arrested for crimes that were not felonies were unable to pay bail of \$500 or less (New York City Criminal Justice Agency, 2013).

Champaign County also does not collect or report data on income levels of persons held in the jail or break down these statistics by race. But the ILPP report (2013, App. Pp. 6,12) did find that a majority of people in the profile sample and close to half in the tracking sample were unemployed. Compared to the overall jail population, which also includes people convicted of crimes, more pretrial detainees were unemployed (+10%) and African American (+12%). The ILPP study also reported that the majority of people confined in the jail had neither a high-school degree nor a GED. Both unemployment and limited education are highly correlated with low income and poverty. It can therefore safely be said that the people incarcerated in the county jail are not only disproportionately African Americans but typically people with low, if any, incomes before their arrest.

African Americans in this country are disproportionately unemployed, working in jobs paying only the minimum wage, and living below the poverty line (Plumer, 2013, August 28). Because of this correlation between lack of wealth and race, the adverse impact of financial-release conditions, including unnecessary pretrial incarceration, falls most heavily on African Americans, whether in this county or elsewhere.

### **Failure to Appear**

Snapshot views of the Champaign County jail population show that on any one day, two to three dozen people remain incarcerated pretrial for three or more days, unable to pay relatively low bail amounts of \$100 - \$2,500 for bonds set between \$1,000 - \$25,000. In at least half of these cases, release on recognizance was denied because of a prior failure to appear in court (FTA). The majority of the people unable to pay low bail amounts after three days are African American (50% on 3/14/17, 64% on 3/31/17, and 75% on 4/14/17).

The Champaign County Sheriff's office reported making 64 arrests for FTA during the month of March 2017; 37.5% were people facing charges for city ordinance violations, and 17% were arrested because of failure to appear in a civil proceeding. After discussions with a member of the Racial Justice Task Force, the Champaign County Circuit Clerk has begun sending people on probation automated telephone reminders of each of their court dates, an important first step in reducing the FTA rate.

### **Pre-Trial Jail Confinement Recommendations**

The Racial Justice Task Force therefore recommends the following steps to begin reducing the racial disparity in the county's jail population:

**1. Adopt and implement a court order to expand the issuance of notices to appear at the jail.**

The Illinois Supreme Court has devised bail schedules for some crimes (see, e.g., Ill. S. Ct. R. 528). People arrested for these crimes can avoid pretrial detention simply by paying the sum listed in the bail schedule at the jail. On June 28, 2016, Judge Thomas Difanis, Presiding Judge of the Champaign County's Circuit Court, commendably issued County Administrative Order 2016-02. This order authorizes the Sheriff and the officers whom he oversees to issue notices to appear in court to persons arrested for theft, retail theft, and criminal trespass to land. The issuance of these notices to appear by the jail officials eliminates the need for persons arrested for certain crimes to be detained in jail while awaiting the first court appearance.

The Racial Justice Task Force recommends the issuance of a court order, and its implementation by the Sheriff, to increase and maximize, in conformance with the law and public-safety needs, the issuance of notices to appear to arrested individuals brought to the jail. A mechanism should also be put in place to monitor, evaluate, and publicly disseminate findings on the implementation of this order to determine whether any additional refinements to the order are needed. The Task Force furthermore recommends that a working group, appointed by Chief Judge Difanis, develop recommendations, for the court's consideration, regarding the terms of this order and the mechanism for monitoring, evaluating, and disseminating information regarding its implementation. Possible members of this working group might include Chief Judge Difanis or his designee, a judge who presides over bond court, an attorney with criminal-justice expertise recommended by the Champaign County Bar Association or the Champaign County Criminal Defense Lawyers' Association, a professor from the U. of I. Law School who has criminal-justice expertise, the Sheriff, and a community advocate who can share insights and recommendations from the impacted community. Courts commonly appoint such working groups to aid them in identifying steps to be taken to improve a criminal-justice system (see, e.g., Municipal Division Work Group, 2016).

**2. Utilize validated risk-assessment instruments and well-trained pretrial-services officers to limit the imposition of financial-release conditions as much as the law currently allows.**

Illinois law discourages the imposition of money bail, stating that it should be required "only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court, that the defendant does not present a danger to any person or the community and that the defendant will comply with all conditions of

bond" (725 Ill. Comp. Stat. § 5/110-2). The two evidence-based practices discussed below – validated risk-assessment instruments and pretrial services – have yet to be instituted in this county. If they are, it is unlikely – many would say impossible – that a court could conclude that money bail is the only way to secure a person's appearance in court or guard against physical harm.

*Validated Risk-Assessment Instruments.* Validated risk-assessment instruments are successfully in use across the country to aid judges in identifying when a person poses such a high risk of failing to appear in court or of endangering others while a criminal case is being processed that his or her confinement pretrial is necessary (Pretrial Justice Institute, 2015; Danner, VanNostrand & Spruance, 2016). These instruments also provide empirically grounded guidance to judges in determining pretrial-release conditions. Through risk assessment, unnecessary pretrial incarceration and unneeded pretrial-release conditions, both of which have been linked to higher recidivism rates, can be averted (Lowenkamp, VanNostrand & Holsinger, 2013).

*Pretrial Services.* In a well-structured criminal-justice system that follows evidence-based practices, pretrial-services officers take steps to facilitate compliance with release conditions. Some of these steps are designed to curb the failures to appear in court that trigger, as is occurring in this county, the issuance of arrest warrants and pretrial confinement. For example, their monitoring of compliance with nonfinancial conditions of release significantly reduces the FTA rate of moderate-risk and certain higher-risk individuals who remain in the community while their criminal cases are being processed (Lowenkamp & VanNostrand, 2013).

In 2013, both the Champaign County Community Justice Task Force and the Institute for Law and Policy Planning (ILPP) recommended that a comprehensive pretrial-services program, including validated risk assessment, be implemented in the county (Champaign Community Justice Task Force, 2013; ILPP, 2013). These recommendations stemmed from pretrial services' linkage to reduced recidivism and incarceration in jail. The Illinois Supreme Court also recently called on courts in Illinois to create a "fair, efficient, transparent, accountable and adequately-resourced system of pretrial services" that includes utilization of an "evidence-based and validated risk assessment tool" (Supreme Court of Illinois, 2017, April 28) The Court cited the presumption of innocence of people accused of crimes in issuing this call. The Racial Justice Task Force is urging the adoption of validated risk assessments and pretrial services for still another reason – to help reduce racial disparity in the jail's population. Instituting evidence-based practices to inform release decisions can diminish the utilization of financial-release conditions in this county. The disparate effects of these conditions on the economically disadvantaged, a disproportionate number of whom are

African American, can be curbed. Who is and is not subject to pretrial confinement in Champaign County will then be based on objective assessments of risk, not on subjective judgments, the potential infiltration of implicit bias, and a person's wealth.

**3. Ensure that the validated risk-assessment instrument used in Champaign County is readily accessible to the public and does not include, to the extent possible, factors whose consideration has a disproportionate adverse impact on African Americans.**

Risk-assessment instruments have now been developed to further limit racial disparity in pretrial-release and detention decisions. These instruments do not, for example, consider employment, education level, marital status, or whether a person owns or rents a home, factors that can lead to the disproportionate confinement of African Americans and are not needed for a risk assessment to be valid. The Racial Justice Task Force therefore recommends that the validated risk-assessment instrument adopted in Champaign County limit, to the extent possible, the consideration of factors that augment racial disparity. The Task Force further recommends that this risk-assessment tool be readily accessible to the public. This step will help bring transparency into the pretrial-release decision-making process in Champaign County.

**4. Follow best practices to ensure that all criminal defendants receive automated reminders before each court appearance.**

The Circuit Clerk is to be commended for taking the initiative to consider this as one of the steps needed to reduce the FTA rate. The Racial Justice Task Force recommends that the Circuit Clerk or the Restorative and Criminal Justice Coordinating Council that the Task Force is recommending be created in this county examine the practices in jurisdictions that have successfully utilized notifications to reduce their FTA rates. Examined best practices should include the type, frequency, and content of the notifications.

# **FEES AND COSTS FOR CRIMINAL AND TRAFFIC PROCEEDINGS**

## **Priority Step: Reduce Disparate Impact of Court Fees on Low Income People**

Fines are punishment for an offense; fees are additional costs charged to a defendant to pay for court expenses. Fees include actual expenses of the individual case and also fund a variety of other purposes. For example, people convicted of non-violent offenses such as driving on a suspended license or theft of merchandise worth less than \$300 are charged a fee for the Violent Crime Victim's Fund.

It is not uncommon for the amount of court fees in a traffic or criminal case to be a much greater fiscal burden than the fine for the conviction. For example, two cases in the local Circuit Clerk's public records are: 1) a person convicted of theft sentenced to 30 months of probation with no fine, but with court fees that added up to \$1,162, and 2) a person convicted of Driving Under the Influence who was fined \$1,495 and charged court fees of \$2,765, almost double the amount of the fine.

Court fees effectively become an additional punishment for the offense, with a disparate impact based on income, and therefore, based on race. In Champaign County, an African American is more than twice as likely as a white person to live in poverty. According to the U.S. Census Bureau 2015 population estimates for Champaign County, 41.5% of African Americans have incomes below the poverty level compared to 17.2% of white people.

On June 1, 2016, the Illinois Statutory Court Fee Task Force, a bipartisan body created by the Illinois General Assembly, issued its report: *Findings and Recommendations for Addressing Barriers to Access to Justice and Additional Issues Associated with Fees and Other Court Costs in Civil, Criminal and Traffic Proceedings*.

One of the four key findings of the Task Force was that "The nature and purpose of assessments have changed over time, leading to a byzantine system that attempts to pass an increased share of the cost of court administration onto the parties to court proceedings." Champaign County Circuit Clerk, Katie Blakeman, reported to Champaign County Racial Justice Task Force members at an April 1, 2017 workshop, that 100% of the expenses of her office are paid by court fees.

One of the state Task Force's recommendations is: "The General Assembly and the Supreme Court should authorize the waiver or reduction of assessments [fees] . . .

imposed on criminal defendants living at or near poverty.” In 2017, legislation (HB 2591) was introduced in the Illinois General Assembly to implement this recommendation, providing for:

- Waiver of court fees for anyone with income below 200% of the poverty level;
- 75% waiver of fees for anyone with income 201 - 250% of the poverty level;
- 50% waiver of fees for anyone with income 251 – 300% of the poverty level;
- 25% waiver of fees for anyone with income 301 -400% of the poverty level.

Consideration of the bill has been postponed until next year.

### **Driving on Suspended or Revoked License**

One-day snapshot views of the Champaign County jail population consistently show that the majority of people serving sentences for driving on a suspended or revoked license are African American. For example, on February 14, 2017, 55% of the 27 people serving time in the jail for this offense were African American. Approximately one in seven people held at the county jail on any given day is serving a sentence for driving on a suspended or revoked license.

For low income and indigent drivers, the amount of court fees increases the adverse effects associated with traffic charges. In addition to owing collection fees when unpaid fees are reported to a collection agency, a person whose driver’s license has been suspended or revoked cannot legally operate a motor vehicle until the license is reinstated. In essence, length of punishment is extended because of inability to pay.

The Illinois Secretary of State’s web site prominently states: “All reinstatement fees must be paid prior to issuance of a new Driver’s License.” In addition to court fees, the Secretary of State charges reinstatement fees ranging from \$70 for “Failure to Appear in Court Suspension” to \$500 to reinstate a revoked license.

It is also important to note that the Secretary of State has the authority to suspend or revoke driver’s licenses for a variety of reasons, including failure to pay child support or failure to pay parking tickets. Existing policies combined with poverty create a vicious cycle whereby inability to pay money results in loss of driving privileges that are not reinstated because of inability to pay fees. If anyone driving without a license is stopped by a police officer, the person will be charged with driving on a revoked or suspended license which is a criminal misdemeanor.

Legislation (HB 3920) was introduced in 2017 providing that a person who drives a vehicle when his or her driver’s license is *revoked or suspended for failure to pay a civil*

*penalty* will be guilty of a petty offense carrying a maximum fine of \$50 rather than the current charge of Class A misdemeanor that imposes a maximum fine of \$2,500 plus up to one year in jail (plus more court fees). Consideration of this legislation was postponed until next year.

## **Fees and Costs Recommendations**

The Champaign County Racial Justice Task Force recommends taking the following steps to increase justice and reduce the racial disparity in the county's criminal-justice system, including in its jail population.

- 1. The Champaign County Board County should allocate sufficient funds for the Circuit Clerk's office to enable that office to waive all court fees for persons with incomes below the federal poverty level and to reduce fees for all whose incomes are 101-400% of the poverty level until the state enacts such legislation to do so.**
- 2. County Board members and criminal-justice officials should advocate for passage of the two bills described above (HB 2591 and HB 3920 in 2017) that will reduce the impact of court fees on low-income persons convicted of criminal or traffic offenses.**
- 3. A protocol should be established to grant low-income and indigent persons, at the conclusion of a case, a period longer than 180 days (up to five years) for paying court fines and fees without the debt being sent to collection. This would prevent the additional court filings and hearings that are now necessary for people whose incomes indicate they will likely be unable to pay all fees and fines within six months.**
- 4. A protocol should be established to ensure that in every case, the Circuit Clerk's Office and the Public Defender's Office inform defendants of the opportunity to extend the time period for payment of fines and fees and facilitate their applications.**
- 5. County Board members and criminal-justice officials should advocate for passage of state legislation to facilitate reinstatement of a driver's license when inability to pay court fees is the only reason for the delay. This would reduce the number of people driving on suspended or revoked licenses**

**and the number sentenced to the county jail, thus reducing one factor contributing to the racial disparity in the jail population.**

- 6. The Champaign County Board should investigate, with other local governments and community agencies, processes to assist low income drivers afford automobile insurance.**

# **RESTORATIVE JUSTICE AND PRACTICES**

**Priority Step: Fully Integrate Restorative Justice and Practices into the Criminal-Justice and Juvenile-Justice Systems and Community Responses to Crime and Delinquency in Order to Reduce Racial Disparities**

## **Overview of Restorative Justice and Practices**

The premise of restorative practices is that people are more cooperative, productive, happier, and more likely to change their behavior in positive ways when we work *with* them rather than doing things *to* or *for* them (Wachtel, 2013). The focus of restorative practices is on:

- building and strengthening community and relationships,
- restoring and repairing relationships when there is conflict or harm,
- averting and remedying harm caused by a person's actions, and
- holding people accountable in a meaningful way when their actions cause harm.

Three examples of restorative practices found in both the criminal-justice and juvenile-justice contexts include:

1. *Restorative-Justice Conferences (RJCs)*. Restorative-justice conferences "involve the community of people most affected by the offense – the harmed, the harmer, and the family, friends, and key supporters of both .... These affected parties are brought together by a trained facilitator to discuss how they and others have been harmed and how that harm might be repaired." (See <http://www.ibarj.org>, the website of the Illinois Balanced and Restorative Justice Project, which is headquartered in Champaign.) Before the restorative-justice conference, the facilitator prepares the participants for it, ensuring that they know, for example, questions they will be asked during the RJC. The facilitated dialogue results in an agreement setting forth what the person responsible for the harm will do to repair the harm, restore relationships damaged by the offense, and otherwise "make things right" (International Institute for Restorative Practices, 2006). The agreement might include apologies, community service, restitution, skill building, educational or employment commitments, or other creative and personalized actions to meet obligations and needs discussed during the restorative dialogue. Participation by all involved in an RJC is voluntary (Wachtel, O'Connell & Wachtel, 2010).

2. *Circles*. A variety of circles can be employed to prevent and respond to harmful actions and delinquency and for other purposes. Three examples of circles that

would be best to have available in Champaign County include Peacemaking Circles, Circles of Support and Accountability (COSAs), and Restorative Circles.

a. *Peacemaking Circles*. Peacemaking Circles are grounded in the shared values of those in the circle, such as respect for others and a recognition of our interconnectedness. Peacemaking Circles create a safe place for fostering an understanding of others, building and repairing relationships, solving problems, and resolving conflict and disputes. The circles' participants may include those who have been harmed, those who have harmed others, participants' support people, neighborhood or community representatives, and, at times, justice officials (such as police officers). The "keeper" of the circle, unlike the facilitator in a restorative-justice conference, is an equal participant in the discussions, though the keeper ensures that each participant can be heard. Unlike RJC<sub>s</sub>, which are in response to a specific harm/incident, Peacemaking Circles are convened for a variety of reasons. They are helpful when an incident involving conflict or harm has deeper and wider roots and implications. Examples include ongoing related incidents between groups (e.g., gangs or families), such as retaliation, violence within a neighborhood or the whole community, and hate crimes (Boyes-Watson & Pranis, 2010).

b. *Circles of Support and Accountability* (COSAs). Circles of Support and Accountability can be used for people who are at high risk of committing a serious crime. While there are different ways of structuring COSAs, one classic model entails three to six trained volunteers meeting regularly, in a circle, with the "core member" – the person at risk of recidivating. COSAs have multiple goals, including (1) to ensure the core member understands that the circle members accept him or her as a person even though they reject the core member's past crime; (2) to develop strong, positive relationships with the core member, which is a protective factor against crime (Rhodes et al., 2013); (3) to alter cognitive distortions, such as a core member's attempt to diminish the seriousness of the crime; and (4) to help link the core member with resources, such as a job, that help avert repeat criminal behavior (Höing, Bogaerts & Vogelvang, 2013). In addition to COSAs, other kinds of circles, including Peacemaking Circles and "Welcome and Reentry Circles," can be used when a previously confined person is returning to his or her community.

c. *Restorative Circles*. Restorative Circles provide community support to individuals in conflict (Restorative Circles, 2014). This facilitated process has three stages: identify the primary factors in the conflict, reach an agreement on next steps, and evaluate the results of the agreement. Lyubansky and Barter (2011) describe two examples of Restorative Circles that were used to address interpersonal racial conflict and the positive feedback from participants about these circles. Restorative Circles can

also be used to discuss community concerns about police practices. For example, a Restorative Circle was convened following a Seattle police officer's shooting and killing of a partially deaf Native-American wood carver who was walking down the street with a piece of wood and small carving knife. The circle culminated in an agreement by the Seattle Police Department to, among other steps, immediately change the way new police officers were trained (Lyubansky, 2013).

3. *Family Group Decision Making (FGDM)*. Family group decision making can be used for an array of reasons, such as to develop a reentry plan for an imprisoned person returning to the community, help an individual on probation lead a law-abiding life and be a productive citizen, or provide needed structure and support to a youth who is a chronic truant. During FGDM, family members and the person for whom a plan is being developed meet. The "family" is loosely defined, often including other people, such as a best friend or mentor, who are close to the person on whom the plan is focused. At the beginning of the meeting, service providers and other treatment professionals share information about support services and treatment available within the community. The professionals then leave the room, and the family members develop the plan. The plan typically outlines key responsibilities that the person for whom the plan is being developed and family members will assume under the plan (Smull, Wachtel & Wachtel, 2012).

Restorative practices give a voice to people affected by crime or delinquency who typically are shunted to the sidelines of the criminal-justice and juvenile-justice systems. A restorative-justice conference gives the victim of a crime the opportunity to ask questions of the person who committed the crime. In this process, the victim satisfies a need for answers and plays a role in determining how to remedy harm the crime caused. Researchers are confirming that positive outcomes ensue when restorative practices are integrated into a criminal-justice system. For example, both in cases involving violent crimes as well as those involving nonviolent crimes, restorative-justice conferences are more effective than traditional, non-restorative court processing of cases in reducing recidivism (Strang et al., 2013; Sherman et al., 2015). Restorative-justice conferences are also more effective in producing victim satisfaction, decreasing victims' fear that they will be victimized again, and reducing post-traumatic stress symptoms (Angel et al., 2014). Restorative-justice conferences, in addition, yield significant cost savings, in part through reduction in reoffending (Strang et al., 2013). For discussion of research on the benefits of restorative justice and practices in the juvenile-justice context, see Section III.6 of this report.

## **The Link Between Restorative Justice and Practices and the Goal of Reducing Racial Disparity in the Criminal-Justice System in Champaign County**

Restorative justice and practices, when well planned and implemented with fidelity, can help reduce racial disparity in criminal-justice systems, including in Champaign County. One primary, overarching reason is briefly highlighted below: *Combating the Damaging Effects of the “Othering” of People of Color*

“Othering” is a process of classifying groups of people as “other than” and lesser than ourselves. The “othering” of people of color fosters damaging stereotypes. Core features of restorative practices are their building and strengthening of relationships between people and promotion of a feeling of belonging. Restorative practices address explicit and implicit bias and the disparate treatment bias fosters, whether in criminal-justice systems, schools, workplaces, or elsewhere.

### **Implementation of Restorative Justice and Practices**

Restorative justice and restorative practices are increasingly being integrated into criminal-justice and juvenile-justice systems in the United States and in other countries. For example, they are part of the criminal-justice and juvenile-justice systems in Colorado (Restorative Justice Colorado, 2017). In Armstrong County, Pennsylvania (2010), family group decision making is employed in multiple systems, such as juvenile justice, child welfare, and schools. Circles of Support and Accountability facilitate the reentry of confined people returning to their communities in Vermont (Fox, 2013). And the nation’s first “restorative community court” was recently established in Chicago (Wood, 2016).

Commendably, Champaign County has taken some steps to start bringing restorative justice and practices into the county’s juvenile-justice system. The Regional Planning Commission, for example, oversees a program at the Youth Assessment Center that diverts juveniles from the system if they participate in a facilitated dialogue, which includes their parents or guardians and victims, and meet the terms of an agreement to repair the harm their actions have caused.

In 2013, the Champaign County Community Justice Task Force appointed by the County Board tendered its recommendations to avert and limit incarceration, reduce recidivism, and promote the rehabilitation of formerly incarcerated people returning to communities in our county. The Task Force’s first recommendation was to integrate restorative justice throughout the criminal-justice system in the county (Champaign

County Community Justice Task Force, 2013). There has been some progress in implementing several of the Task Force's other recommendations and, as mentioned earlier, some steps have been taken to bring restorative justice and practices into the juvenile-justice system. But no steps have yet been taken to implement the Community Justice Task Force's recommendation on restorative justice. Through this report and the additional recommendations set forth below, the Racial Justice Task Force hopes that the County Board, in conjunction with others, will initiate the bringing of restorative justice and practices into our criminal-justice system as well as the juvenile-justice system.

## **Restorative Justice Recommendations**

The Racial Justice Task Force recommends that the county take the following steps to reduce racial disparity in the county's criminal-justice system:

**1. Develop and implement a comprehensive plan to integrate restorative practices in both the criminal-justice and juvenile-justice systems, as well as in community responses to crime, delinquency, and conflict in Champaign County. Include in this plan a broad range of fully restorative practices at all stages of the criminal-justice and juvenile-justice systems and a restorative community court. A Restorative and Criminal Justice Coordinating Council should oversee the drafting and implementation of this plan and ensure that the plan's implementation is evaluated regularly.**

In 2013, the Champaign County Community Justice Task Force called for the creation of a Restorative and Criminal Justice Coordinating Council. The Racial Justice Task Force renews this recommendation. The Task Force furthermore recommends that the Coordinating Council appoint a Restorative Justice and Practices Planning Subcommittee to (1) put restorative practices in place that enable community members to address conflict and (2) integrate restorative practices throughout the criminal-justice and juvenile-justice systems. This subcommittee should include some members of the Coordinating Council, several experts on restorative justice and practices, and other individuals needed to develop an effective plan and garner the support of criminal-justice and juvenile-justice officials and the community for the plan. The plan should ensure that restorative practices permeate the criminal-justice and juvenile-justice systems rather being consigned to their periphery. Provisions should include the following:

- A wide range of restorative practices including restorative-justice conferences, family group decision-making, and different kinds of circles.

- The extension of restorative practices from the law-enforcement stage at the front end of the justice system to post-confinement/detention supervision at the back end.
- Making restorative practices available for the broad range of crimes.
- Institution of a restorative community court.

The plan should also include an implementation timetable and provide for regular evaluation of the plan's implementation.

**2. Ensure that the “Restorative Justice and Practices Plan” is planned and implemented equitably.**

Three steps that can help ensure that restorative justice and practices are planned and implemented equitably are:

1. Include people of color in the development, implementation, and assessment of the Restorative Justice and Practices Plan.
2. Provide in the plan for the training of RJ/RP practitioners and their supervisors about implicit bias and culturally competent practices.
3. Include outcome measures that enable any racial disparity that might arise during the plan's implementation to be spotted and responded to.

## **JUVENILE JUSTICE**

**Priority Step: Reduce racial disparities in the Champaign County juvenile-justice system by reducing arrests, increasing diversion opportunities and eliminating unnecessary use of confinement for youth of color ages 10-18.**

Involvement in the juvenile-justice system often is the gateway to involvement in the adult justice system. Considering the research and knowledge on brain development, the complexity of root causes that lead to poor choices, the adverse impact of harsh punishments on youth, the acknowledgement of a school-to-prison pipeline, and the need for positive youth development, it is shocking that we, both in the United States and in Champaign County, still rely on law enforcement and the justice system to impose consequences on youth that forever change their lives in negative ways. As first steps towards addressing these complexities, particularly the impact of the juvenile-justice system on youth of color in Champaign County, the Racial Justice Task Force examined data and obtained feedback from justice system officials and professionals both locally and statewide, and we reviewed studies and reports bearing on these subjects. Because data is limited on our local juvenile-justice system, we focused on what we do have to make recommendations. We researched evidence-based ways to improve the juvenile-justice system to curb racial disparity.

### **Prevention and Diversion**

In Champaign County, many youth arrested are given opportunities to prevention and diversion programs and practices across the county that support adolescent growth and the needs of youth and their families. In addition to education, there are programs through the school districts including mentoring, summer employment opportunities, out of school days and summer camps, and community based programs like the library system and park district programs, support groups, faith-based groups, counseling, after school and summer programming- all of which are successful models because of the focus on relationships and opportunities. Prevention work is based in building relationships, developing connections and competency development which are proven to prevent and/or reduce youth involvement in risky behaviors and possible interactions with law enforcement and the justice system. Prevention is hard to measure, but many

of the programs locally have positive outcome data to share including these two examples:

- Unit 4 Youth Summer Employment Program has provided opportunities for over 500 youth beginning in 2011. In 2015, all 179 students completed the program.
- The Boys and Girls Club of Champaign County has served 616 teens in the first 7 months of 2017, and reports that 62% of the participants say “the club helped me commit to my education”

The formal diversion programs for youth are provided by the Champaign County Youth Assessment Center [YAC] housed under the Regional Planning Commission. Since 2014, they have processed 2,444 referrals of youth ages 10-18 from police, the detention center, schools, community agencies, families and youth themselves (See Appendix E). Each youth is screened with an evidence-based instrument called the Youth Assessment Screening Instrument (YASI) and assigned to a case manager who works with youth and families by connecting them with local community services like counseling, anger management, Parenting with Love and Limits (PLL), and alcohol and/or drug treatment. Many youth are completing mandatory interventions assigned by the court or probation including Mediation, Peer Court, and Restorative Circles. Some youth get a formal station adjustment or a “warn & release” outcome which enables them to be diverted from justice system. In fiscal year 2017 (ending June 30, 2017) 589 youth referred to the center; 317 were given station adjustments or “warn & release” 206 were re-referred because of successive offenses, and 106 “assessed at a risk level warranting treatment referrals”. This work is funded by public safety funding (a.k.a. the quarter cent tax).

### **School to Prison Pipeline**

What is known as the “school-to-prison pipeline” typically begins with students being suspended, expelled, or even arrested instead of through a visit to the principal’s office, a call home for collaboration with parents, a referral to services or organizations to address student and family needs, or a restorative process. Statistics indicate that these policies and practices disproportionately target students of color and those with a history of abuse, neglect, poverty or learning disabilities (Amurao, 2013).

The two public school districts in our community have taken different approaches to student discipline. Champaign Unit 4 has had a full-time School Resource Officer (SRO) assigned in each of the three middle schools and two high schools since 2006. According to a May 25, 2016, News Gazette article, “the district publicly reported 417 at-school arrests, 357 of which involved black students, from 2006-2016.” Those numbers triggered a complaint from African American community advocates to the Office of Civil Rights which launched an ongoing investigation into the Champaign

School District practices. “Although the overall number has declined steadily since 2012 — from 41 [in 2012] to 17 [in 2016] — black students still make up the majority of [students] apprehended on school grounds. [The] 2015-2016 school year saw only 17 arrests in Champaign schools which set an all-time low since the inception of the SRO program, but there were still a total of 86 incidents that required an officer's involvement; 47 ended with referrals to the youth assessment center, while 22 were deferred to school administrators with no charges filed” (Lafond, 2016, May 25).

Urbana District 116 has one officer assigned to both the middle and high school. “Urbana Detective Matt Bain, the SRO for both schools, says he occasionally assists administrators in their investigations of more serious offenses but isn't typically involved in school-discipline matters beyond that. He spends a lot of time in the classrooms, teaching driver's education and civics courses and sitting in on restorative-justice circles with groups of students.”

From a News Gazette article (Lafond, 2016, August 8), we have the following data about Urbana, Rantoul and other local districts:

Records show that 20 arrests were made on Urbana school property between August 2014 and May 2015, ten arrests occurred at both the middle school (aggravated battery being the most frequent offense) and the high school (possession of cannabis most common) in 2014-15. Five of the arrests at the middle school resulted in a transport to jail, all involving black students. During that same school year, 19 other arrests were made at the middle school, but the juveniles in those cases were either transported or referred to the Youth Assessment Center for treatment. At Urbana High in 2015-16, six arrests resulted in transport to jail, three white and three black students.

Rantoul city schools, a district with four elementary schools and one junior high, have shared one police officer for at least 15 years. The two years of data provided to The News-Gazette show a decline in arrests — from 17 in 2014-15 to 13 in 2015-16. During the 2014-15 school year, more females than males were arrested: ten girls and seven boys. Ten of the students arrested were black, five white, one Asian and one Hispanic. In 2015-2016, again, the majority of students arrested were black. Six were black, five were white, and two were Hispanic. The most common offenses in the past two years were aggravated battery and possession of marijuana.

Two other Champaign County communities rely on the sheriff's department for in-school policing. St. Joseph-Ogden High has shared an SRO from the sheriff's department with St. Joseph community schools and the Prairieview-Ogden district for more than a decade. Tolono Unit 7 schools also share a deputy. According to Champaign County Sheriff Dan Walsh, his department doesn't keep detailed statistics of student arrests but

was able to identify only 18 arrests in Tolono and St. Joseph-Ogden combined in the last ten years.

### **Juvenile Detention**

Juvenile detention refers to secure custody of youth during pre-trial after sentencing (similar to prison or jail confinement in the adult system). Youth may be sentenced to detention for a variety of reasons. They may fail to meet all the conditions of their probation or parole. Or a judge may decide that an offense requires confinement without giving a juvenile the opportunity for probation, conditional discharge, or court supervision. Juvenile detention centers are intended to temporarily house youth who pose a high risk of re-offending before their trial. In Illinois, that means they pose an "immediate and urgent" risk (705 Ill. Comp. Stat. § 405/5-140). Youth who are deemed "likely to not appear" for their trial can also be confined, but such confinement is being overused despite the lowest youth crime rates in 20 years. Across the U.S., hundreds of thousands of young people are locked away every year in the nation's 591 secure detention centers. The nation's use of detention is steadily rising, and facilities are packed with young people who do not meet the high-risk criteria. About 70 percent are detained for nonviolent offenses. The mass detention of youth is not necessary nor is it being utilized equitably. While youth of color represent about a third of the youth population, the latest figures show that they represent 61 percent of detained youth.

Most young people are allowed leeway for normal adolescent behaviors without getting entangled in the justice system. However, youth of color nationwide are more likely to be arrested, prosecuted, sentenced, and incarcerated for these behaviors than are their white peers. "In 2013, black youth were more than four times as likely as white youth to be incarcerated, Native American youth were more than three times as likely, and Latino youth were almost twice as likely" (Burns Institute, 2015).

### **The Dangers of Detention**

Even one day in a juvenile detention facility leads to negative outcomes. A report of the Justice Policy Institute (Holman & Ziedenberg, 2011) describes the adverse effects of confining youth:

Detained youth are physically and emotionally separated from the families and communities who are the most invested in their recovery and success. A recent literature review of youth corrections shows that detention has a profoundly negative impact on young people's mental and physical well-being, their education, and their employment. One psychologist found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration, and another suggests that poor

mental health, and the conditions of confinement together conspire to make it more likely that incarcerated teens will engage in suicide and self-harm. Economists have shown that the process of incarcerating youth will reduce their future earnings and their ability to remain in the workforce, and could change formerly detained youth into less stable employees. Educational researchers have found that upwards of 40 percent of incarcerated youth have a learning disability, and they will face significant challenges returning to school after they leave detention. Most importantly ... there is credible and significant research that suggests that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.

### **Local Detention of Youth and Racial Disparity in Detention**

In Champaign County, the numbers are similar to the national numbers with youth of color being two-to-three times more likely to be admitted to detention than their white/non-Hispanic counterparts based on the statewide Detention Report completed by the Illinois Juvenile Justice Commission (2016). According to the 2015 Detention Report, Champaign County has the fifth highest detention rate, per capita, of all the counties in the state [Appendix F]. Of Champaign County's 398 charges leading to detention in 2015, fewer than 50% were for violent offenses. In 2015, Champaign County had the fourth highest detention admission rate in Illinois, per capita, for African-American youth compared to all other counties in the state [Page 47 of Report, see appendix F]. According to local justice system officials, many youth in juvenile detention are from outside of the community via Cunningham Children's Home and the Pavilion, and they are there as a last resort. It is imperative that Champaign County reduce the use of juvenile detention with a focus on the racial disparity issue by reducing the number of youth brought to the Juvenile Detention Center pre-trial and the number sentenced to the Juvenile Detention Center.

### **Juvenile Justice Recommendations**

- 1. Reduce black youths' contact and involvement in the juvenile-justice system by beginning with prevention and diversion.** Best practices for prevention and diversion efforts can be obtained in Champaign County with the following steps.

- a. Increase resources countywide devoted to prevention efforts at schools and in community-based organizations through reallocation of existing resources currently spent on more costly justice system programs. We also recommend applying for federal, state and foundation grants. Collaboration is the best method for making these efforts sustainable in partnership with existing local organizations including the school districts, Cradle2Career, the Boys and Girls Club, Champaign-Urbana Area Project, Lead4Life, mentoring programs, park district programs, faith based group efforts, and other community organizations.
  - b. Increase restorative justice options in the community to divert and prevent youth from entering the juvenile-justice system. Focus on repairing harm and restoring relationships and community safety. (See Restorative Justice Section for more information)
  - c. Improve the capacity of the Youth Assessment Center to provide adequate prevention and diversion programs with resources for an appropriate facility and number of staff to manage cases referred. Funds can be secured through sources like Juvenile Redeploy.
  - d. Reinstitute the countywide juvenile-justice council to oversee and improve the local juvenile-justice system, limit the detention of youth, monitor and evaluate related data, spearhead the reduction of racial disparities in the juvenile-justice system and foster collaboration among stakeholders and the community in these endeavors, complying with the Juvenile Justice Council Statute in the Illinois Juvenile Court Act 705 ILCS 405/6-12.
  - e. Reduce arrests for youth, specifically black youth, at schools by adjusting the SRO program in Champaign Unit 4 schools to mirror other communities in Champaign County (one shared officer among several schools and a prevention focus) and increase referrals to the YAC from schools in place of police involvement.
  - f. Provide support for community awareness of the existing community resources that can help prevent justice system involvement including programs like Parenting with Love and Limits, mediation, and peer conferencing.
- 2. Reduce the Juvenile Detention Center population.** Reduce use of the Juvenile Detention Center as a holding facility for pre-trial and non-violent youth by increasing the use and capacity of the Youth Assessment Center (YAC) and home confinement as needed. Use of the youth screening instrument and resources like the YAC can improve outcomes for youth by eliminating harmful detention center time and further involvement in the justice system.

- 3. Create a county board resolution to stop detaining youth under age 13 in the Juvenile Detention Center.**
- 4. Systematically expand evidence-based juvenile specific trainings on trauma, Adverse Childhood Experiences Study (ACES), and Restorative Justice for law enforcement, probation and court service personnel, school administrators, and community members to better equip adults working with youth to rely less on the judicial system.**
- 5. Shift to a community defender office with a holistic representation model focused on social work and restorative justice services along with legal representation which could significantly reduce the school-to-prison pipeline and reduce detention numbers.** Evanston's community defender office, the Moran Center, offers an excellent model: <http://moran-center.org/about>

## **HOUSING FOR PEOPLE WITH CRIMINAL CONVICTION RECORDS**

### **Priority Step: Remove barriers to achieving stable housing for people with criminal conviction records.**

Although persons with criminal conviction records are not a protected class under the federal Fair Housing Act, on April 4, 2016, the U.S. Department of Housing and Urban Development (HUD) Office of General Counsel issued a memo to all public housing authorities warning that a policy of denying housing to people with criminal conviction records might violate the Act, even if racial discrimination is not intended. A policy that is too broad may have a disparate impact on racial minorities.

The memo noted the following:

“As many as 100 million U.S. adults – or nearly one-third of the population – have a criminal record of some sort .... Since 2004, an average of over 650,000 individuals have been released annually from federal and state prisons and over 95 percent of current inmates will be released at some point. When individuals are released from prisons and jails, their ability to access safe, secure and affordable housing is critical to their successful reentry to society.

“Across the United States, African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population. Consequently, criminal records-based barriers to housing are likely to have a disproportionate impact on minority home seekers.”

The memo urged that any exclusion of an applicant because of criminal record be based on evidence and “not just by invoking generalized concern about safety.”

The Housing Authority of Champaign County (HACC) uses eligibility criteria for HACC-owned, public housing and for the Housing Choice Voucher program including two problematic restrictions:

- Family members who are ex-offenders must have been compliant with all parole requirements a minimum of **five years** prior to final eligibility determination.

- No member of the family may have engaged in drug related or violent criminal activity for **five years** prior to final eligibility determination; a conviction for the activity is not required for the family to become ineligible.

These restrictions create significant problems:

-Newly released persons may be unable to obtain housing or to re-unite with their own families; such restrictions increase the risk of recidivism.

-The policy has no rational relationship to safety of housing communities because it does not distinguish crimes committed at the place where the convicted person had resided from crimes not related to the convicted person's former housing.

- Even a first-time offender whose sentence is probation for a period of less than five years is subject to a five-year ban from subsidized housing.

HUD has not required Housing Authorities to take any action in response to the 2016 memo. The burden to challenge the policy falls on the individual applicant who has the means to take court action to challenge HACC's regulations or on local agencies to request policy changes.

### **Municipal Laws: City of Champaign**

The City of Urbana and City of Champaign municipal code chapters on Human Rights, originally adopted in the 1970's, prohibit discrimination in employment, credit, housing and access to public accommodations on the basis of a person's "prior arrest or conviction record."

However, in 1994, the City of Champaign added an exception which limits non-discrimination protection only to persons who have lived outside of jail or prison for at least five years. The policy has a disparate impact on African Americans because of racial disparity in both criminal convictions and in income. According to the U.S. Census Bureau 2015 population estimates for Champaign County, 41.5% of African Americans have incomes below the poverty level compared to 17.2% of white people.

If a person with a conviction record for any crime, no matter how serious, is from a home-owning family, the family can reunite immediately upon the person's release. And it remains unlawful in City of Champaign to deny the purchase of residential real estate based on the applicant's conviction record.

However, if the person is a renter, as are most low income and indigent people, Section 17.4-5 of Champaign municipal code provides a broad exception: anyone convicted of a forcible felony or a felony drug charge may be lawfully denied housing until he or she has lived outside of jail or prison for at least five consecutive years without another conviction related to drugs or force.

In October, 2016, the Champaign County Reentry Council recommended that HACC change its eligibility policies and that the City of Champaign change its Human Rights ordinance to remove the 5-year delay for a person with a conviction record being protected from housing discrimination.

Also in October 2016, the City of Champaign's Human Relations Commission recommended to the Champaign City Council that it change its Human Rights law to repeal the section (17.4-5) allowing discrimination in rental housing based on conviction record.t. At the time of this report, the mayor and city council have not yet decided to place the proposal on an agenda.

In response to research showing that housing discrimination based on criminal record boosts recidivism and has a disparate impact on racial minorities, on August 14, 2017, the City of Seattle, Washington approved a measure barring landlords from using criminal record as a basis for denial of any rental housing except owner-occupied properties. This is an example of a policy change that the City of Champaign can also take to reduce racial disparity in access to housing opportunities.

## **Housing Recommendations**

- 1. The Housing Authority of Champaign County should change its eligibility policies to provide fair housing rights to all applicants with criminal conviction records except when U.S. Department of Housing and Urban Development rules require a public housing authority to reject an applicant due to criminal record.**
- 2. The Champaign County Board should urge the Housing Authority of Champaign County to change its policies as described above.**
- 3. The Champaign City Council should repeal Section 17.4-5 of the city code.**

4. The Champaign County Board and local law enforcement officials should urge Champaign City Council members to repeal Section 17.4-5 of the city code to help reduce recidivism and racial disparities in the criminal- justice system.

## **VOICES OF COMMUNITY MEMBERS:** **Education, Trauma and Employment**

Members of the Champaign County Racial Justice Task Force (CCRJTF) interviewed more than 50 people, ages 8 -85 to hear their personal and professional stories to understand what has determined their educational paths and what has shaped their working lives.

The goal was to search for causes that interrupt people's quest for productive lives and increase their involvement with the criminal-justice system. The wide variety of personal experiences provide a perspective on how implicit bias and structural racism affect the wellbeing of people in our community.

### **Stories (Narratives) – Where We Meet One Another and Become Friends**

**Erma Bridgewater – An interview from the Champaign County Historical Archives**  
The late Erma Bridgewater, a community leader for decades, talked about instances of racial prejudice from her childhood, college years, and adulthood in Champaign during a 1992 interview with UIUC student Dallas Brown. The transcript of that interview is part of the local record at the Champaign County Historical Archives.

### **Stories of fear – prejudgment that separates people**

African-American interviewees related their encounters with racial bias. Several white people expressed fear of people of color. Some white women said they were afraid of "the North End" in C-U and declared it unsafe to drive through even during the daytime. One woman said she reads the newspaper to know who to be afraid of and where to be afraid to go.

### **A story of economics – how structural racism causes far-reaching disparities in wealth and wellbeing**

One African-American minister shared his frustration about funding needs for church-based activities for children. Churches are mostly racially segregated in our communities, and he hears of white churchgoers say things like, "If they [African-Americans] want activities for their children, they should provide them like we do." But summer camps, sports, classes, trips, and year-round programs require planning,

supplies, and supervision – all of which cost money, even with generous volunteer hours.

African-Americans have a harder time than their white counterparts do finding full-time jobs that pay a living wage or establishing their own businesses to support their families. With less income, tithing cannot fully support church programs for their children and youth. African-American pastors must usually have full-time jobs outside the church to support their own families, because they face the same challenges as their parishioners. Why, asked the African-American pastor, can't the white church members see this problem and spend some of the money sent elsewhere in the world to help support programs in our own community?

### **Interviewees' Recommendations for Education**

Several African-Americans, age 50 and older, described overt racism in our local public school systems. Many younger African-American interviewees said that not enough people "look like me in my school," a visible bias that made them feel unwelcome and less wanted. Students said that some teachers seemed afraid of students who are not "white." Some said that sports was the only connection that they had to school. Some felt that white teachers and administrators "called the shots" that often seemed "fired" at African-American youth. Here are their suggestions for change.

Recommendations from interviewees included:

- 1. Hire more African-Americans.** This was the number one request among younger people: "hire people who look like me, who aren't afraid to show that they like me, who can teach well, and who care about my learning."
- 2. Expand and sustain use of the National Name Exchange.** "Founded in 1976, the National Name Exchange is a consortium of fifty-five nationally-known universities which annually collect and exchange the names of their talented and underrepresented ethnic minority students in an effort to increase the enrollment of traditionally underrepresented peoples in undergraduate and graduate education (National Name Exchange, 2014). Too many high school counselors and teachers are not familiar with the program.
- 3. Discuss race and racism openly and honestly in our schools.** Interviewees called discussion of race "the elephant in the room" in Champaign County. African-American and white students are separated by an "equity" gap, not an "achievement" gap," according to a long-retired African-American school administrator.

- 4. End the system of detentions and suspensions; “they smell of fear and inadequacy” and do not solve the problems students are facing.** The term “holding pens” was used by some to describe detention and isolation rooms. Youth expressed resentment about treatment that demeans and angers them, including being behind academically and not being taught what they need to learn. They want people to listen to their concerns, and they want teachers whom they trust to have their best interests at heart. Interviewees felt that racial discrimination was especially evident in disciplinary actions.
- 5. Initiate training about implicit bias as part of professional development among all public school personnel: staff, teachers, aides, building administrators, and district administrators.**
- 6. Implement trauma-informed counseling in all schools for both students and adults.** A punitive approach does not promote addressing problems and healing from trauma at any age (Capatoso, 2015). Using ACE scores to measure childhood traumas and to build support based on individual needs, trauma-informed training can help everyone progress (Stevens, 2017; CDC, 2016). Teachers should have sufficient trauma information to make better decisions about referrals to school specialists.
- 7. Retire the SRO (School Resource Officer) program, hire behavioral specialists, and add restorative justice to support healthy adolescent development and success in school and in life.** Instead of punishment and police action, our students want places to learn and practice academic and social skills without being treated as “pre-criminals.” School environments should focus on healthy development for all students. Their general well being and behavior can be most appropriately addressed by hiring adolescent specialists, instead of SROs, and hiring restorative justice staff. Some restorative justice programs are being piloted in some local schools. Restorative practices are a natural companion to behavioral training. [Restorative justice is addressed in more detail in another section of this report.]

### **Trauma-Informed Training and Practice – Assessing the Health of Our Communities**

**Intergenerational trauma** is “the transmission of historical oppression and its negative consequences across generations.” The impact of sustained trauma on the health and well-being of families and on whole communities is a topic of current research among populations which have historically been subjected to unfair discriminatory practices.

The results of long-term trauma continue to adversely affect later generations who were not directly involved in original trauma situations (Noormohamed, 2012).

Interviewees spoke of intergenerational trauma that has harmed African-Americans in Champaign County, relating vivid memories of discrimination that their own parents, grandparents, and neighbors suffered. Though there has been little formal documentation of local trauma, there is evidence that harm existed and continues to exist. Racial discrimination has been legally abolished, but it has not ended.

We are fortunate to have a trauma-informed trainer (Ms. Karen Simms) working in the community through the Champaign-Urbana Area Project (CUAP), educating mental health professionals as well as volunteer citizens about the ways that trauma is manifested in people's actions and reactions in their daily lives.

#### **Interviewees' Recommendations for Individuals and Communities Around Trauma-informed Training, Community and Schools:**

**8. Ask people to tell their stories and listen respectfully** to know firsthand what they have suffered.

**9. Advocate for each school district to put trauma-informed practices into place for students, families, and staff.** Some schools in New Orleans, where Hurricane Katrina left both emotional and financial scars on people of all ages, have implemented trauma-informed practices for students. Harsh discipline and suspensions have been replaced with trauma-informed counseling. The interventions cited in a report published in January 2017 (Reckdahl, 2017) show encouraging short-term and longer-term results.

**10. Create a partnership with UIUC, Parkland, and the new Carle/UIUC medical center to undertake a local epigenetic study of trauma. Use the findings to improve health and well-being in the community.** The results of a carefully conducted study could inspire cutting-edge transformative approaches to treating mental health and violence issues in many other communities as well.

**11. Create specific programs/resources for children and youth with incarcerated parents/close relatives/caretakers.** Incarceration creates its own emotional turmoil, stress, and frustrations that schools are seldom equipped to discover and deal with. Children and young people withdraw, become depressed, act out, fall behind, and are otherwise overwhelmed. Interviewees noted that such services are needed for our school-age children who are struggling in this way.

**12. Support peer mentor-based efforts to assist people returning from incarceration.** Successful reintegration into community life has specific needs. Often whole families need extra support and counseling during these transitions.

**13. Add an online site for reporting incidences of racism or hatred in Champaign County.** Earlier in 2017, the Human Rights Commission of Columbus, Ohio, launched a web “portal” through which residents can report incidences of racial bias or “hate-induced” crimes (McClure, 2017). This is similar to the UIUC website for reporting “acts of intolerance.” Citizen empowerment can be one result as people identify and report practices of racism in communities.

**14. Continue to show the film *Racial Taboo* with its follow-up discussions that draw people together as they learn more about the history of racial discrimination in our country.** White people who see the film often comment that they didn’t know the continued history of oppression after the end of legal slavery in 1865. African-Americans who view the film often say, “Yes, I know those things. I have been subjected to those practices.” Participants talk together in small groups, exchanging personal experiences on their way to knowing one another better and to understanding the origins of racism in the United States. Such discussions increase personal understanding of racism.

### **Interviewees’ Recommendations for Employment and Business Concerns**

The simple request: “Offer gainful employment with opportunities for advancement.”

**15. Hire African-Americans for full-time employment with the same benefits as other full-time employees.** “Gainful” employment includes pay that meets a family’s needs, not part-time work in place of full-time positions. Full-time employment creates stability and dependability, reduces stress, allows families to lead productive lives, and lets people better plan for their futures.

**16. Establish internships and volunteer opportunities for all high school youth.** By the time a person graduates from high school, (s)he should have visited at least three different kinds of businesses, offices, or sites to have an idea of what the jobs are. This school/business partnership program can include summer visits, shadowing opportunities, and internships.

**17. Create a central database in Champaign County where employers can post notifications to alert potential employees of job openings.** Organize the information

according to categories of skills and experiences. People could have access from any computer connected to the Internet.

**18. Work closely with the Champaign County Black Chamber of Commerce (CCBCC) and set a goal of 100% gainful employment with opportunities for advancement in our county.** We heard the idea for this goal from both African-American and white people of many ages. The CCBCC website (CCBCC, 2017) says: "When African-American communities are doing well, then all communities are doing well." We support the idea of making Champaign County a welcoming home where people of all races can live, work, and continue learning.

## **CONCLUSION**

The Champaign County Racial Justice Task Force was created to address causes and impacts of racial disparities in the jail population and in the criminal-justice system more broadly. The Task Force has identified several areas of the criminal-justice system that perpetuate the racial disparities in our county and the recommendations presented in this report will help reverse those trends. The recommendations must be acted upon by the stakeholders if we are to make any changes in the disproportionate numbers of African-Americans negatively impacted by our criminal-justice system.

The work recommended by the Task Force requires an investment in people and updated processes throughout the system and throughout our community. The costs to the County Board and other entities like the City of Champaign and City of Urbana will bring about significant benefits to all community members. In fact, the time and human resource investment required in the overarching recommendations- to create a Restorative and Criminal Justice Coordinating Council and a Community Engagement Oversight Board- will increase funding opportunities, both from the state and federal level, by qualifying the County for many funding opportunities focused on reduction of racial disparities and overall improvement of the local criminal-justice system.

The Task Force has been honored to serve Champaign County in this process and we look forward to the action steps that will be taken by the County Board and others to address the racial disparities in our local criminal-justice system.

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